

Frequently Asked Questions

Disclosure Statements

Q: I am key personnel for a facility. What violations must I list on DEQ form DISC-02?

A: All notices of violation that have been issued to the facility while you were acting as key personnel for the facility. If you have been employed as key personnel at another facility, notices of violation received by other facilities where you have acted as key personnel must also be provided. Only violations within the past 10 years must be provided.

Q: How often does the disclosure statement need to be updated?

A: The Code of Virginia, Section 10.1-1408.1 C 3 requires disclosure statements to be updated quarterly if any information on the form is inaccurate.

Q: Do I have to include my social security number on the form?

A: The Department cannot compel an applicant to provide a social security number; however, if a background check of the applicant is conducted by the department it may provide inaccurate information without the social security number or may delay processing of an application. The Privacy act of 1974, 5 USC Section 552a prevents the department from denying a permit if the social security number is not provided.

DISCLOSURE OF SOCIAL SECURITY NUMBER

Section 7 of Pub. L. 93-579 provided that:

"(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

Q: Who is the applicant?

A: "Applicant" is defined in the solid waste regulations and in §10.1-1400 of the Code of Virginia. The applicant is the person or individual, which is seeking or holding the facility permit. A "person" can be an individual, corporation, partnership, association, a government body, a municipal corporation or any other legal entity.

Q: Who are key personnel?

A: "Key personnel" are defined in the solid waste regulations and in §10.1-1400 of the Code of Virginia. Key personnel are the applicant and any person employed in a managerial capacity, or empowered to make discretionary decisions. Additional provisions are discussed regarding the corporate relationships that must also be reported. A "person" can be an individual, corporation, partnership, association, a government body, a municipal corporation or any other legal entity. "Key personnel" do not include

employees exclusively engaged in the physical or mechanical collection, transportation etc. of waste.

Q: Is a licensed waste management facility operator considered key personnel?

A: Yes, and they should be included on the disclosure form (*see* §10.1-1408.2 of the Code of Virginia).